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verizon

Verizon Communications
1300 I Street NW, Suite 400W
Washington, DC 20005

February 22, 2002

Ex Parte

William Caton
Acting Secretary
Federal Communications Commission
445 12th St., S.W. – Portals
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

*RE: Application by Verizon-New Jersey Inc. for Authorization To Provide In-Region,
InterLATA Services in State of New Jersey, Docket No. 01-347 - REDACTED*

Dear Mr. Caton:

This letter responds to MetTel's ex parte dated February 1, 2002 in the above-referenced proceeding. MetTel did not serve a copy of its ex parte on Verizon as requested by the Commission's Public Notice, and because it was misclassified on the Commission's electronic comment filing system (ECFS), it did not come to Verizon's attention until nearly two weeks later.

MetTel's claims have already been reviewed and rejected by the New Jersey Board of Public Utilities (BPU).

New Jersey State 271 Proceedings: MetTel's claims received substantial attention during the New Jersey state 271 proceedings and, indeed, followed a somewhat separate schedule from the consideration of other parties' claims. Attached to this letter is a Document Appendix, which provides a chronology of the consideration of MetTel's claims by the New Jersey BPU, and includes copies of documents not already included in the record in the above-referenced proceeding. As shown there:

- MetTel filed initial comments in the New Jersey state 271 proceeding on October 29, 2001, after the date set by the New Jersey BPU for statements by parties in response to Verizon's filing. See Document Appendix, Tab 2. These were followed by final comments a few days later accompanied by a declaration of Elliot Goldberg. See Appendix A, Tab 3.
- The charts attached to MetTel's initial and final comments before the New Jersey BPU are, with a single exception, the same charts MetTel used in its ex parte before this Commission, including the same reported results for the same months of data, as shown below:

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MetTel Chart	MetTel 2/1/02 FCC Ex Parte Cite	MetTel BPU Final Comments Cite (all files are in Document Appendix, Tab 3)
1: LSRC/Reject Analysis	Slide 4	MetTel Add'l Attch Data.xls (NJ-PA Response Comparison)
2: System Transaction Comparison	Slide 10	MetTel Add'l Attch Data.xls (NJ-PA System Transaction Compa)
3: Migration Quality Analysis	Slide 15	MetTel Add'l Attch Data.xls (Migration Quality)
4A: Trouble Ticket Status Issues	Slide 16	MetTel Add'l Attch Data.xls (Trouble Ticket Status)
4B: Trouble Ticket Aging	Slide 17	--
5A: Missing Notifier Analysis Issues	Slide 18	MetTel Add'l Attch Data.xls (Late Notifier Analysis)
5B: Missing Notifier Analysis Issues	Slide 19	MetTel Add'l Attch Data.xls (Late Notifier Analysis)
6A: PIC Change Analysis Issues	Slide 20	full Cab Pre Designated Calls for NJ-rv.xls (NJ LD Analysis)
6B: PIC Changes Analysis Issues	Slide 21	full Cab Pre Designated Calls for NJ-rv.xls (NJ LD Analysis)

- Verizon filed a reply declaration focused solely on MetTel's claims on November 19, 2001. *See* Document Appendix, Tab 5.
- The New Jersey BPU heard live testimony, subject to cross-examination, specifically on MetTel's claims set apart from other OSS testimony. *See* Tr. 1548-1580 (11/20/01) (included in Verizon's Section 271 Application at Appendix B, Volume 7a-b, Tab 11)
- MetTel and Verizon each filed Initial Briefs and Reply Briefs in accordance with the BPU's post-hearing briefing schedule that addressed MetTel's issues. *See* Document Appendix, Tabs 10, 12 (MetTel); Initial Brief of Verizon New Jersey Inc. at 70, 75-76, 84-84, 99 n. 380 (Appendix B to Verizon's 271 Application, Volume 8, Tab 13); Reply Brief of Verizon New Jersey Inc. at 36-38, 43-45, 54-55 (Appendix B to Verizon's 271 Application, Volume 8, Tab 14).

The BPU therefore had a complete record and focused substantial attention on MetTel's issues. Based on its review, the BPU addressed MetTel's claims and found in each instance that Verizon's performance was satisfactory.

First, with respect to completion notifiers, the BPU addressed MetTel's claim that completion notifiers take longer in New Jersey than in Pennsylvania, and summarized Verizon's evidence on notifiers. In resolving this issue, the BPU relied on reported Carrier-to-Carrier measurement results, which showed that Verizon was generally meeting or exceeding the BPU-ordered standards, and KPMG's validation and replication of completion notifier data during its test. The BPU found that Verizon was performing satisfactorily for completion notifiers. Consultative Report of the New Jersey Board of Public Utilities, filed January 14, 2002 ("Consultative Report") at 34.

Next, the BPU addressed MetTel's claims with respect to missing or delayed local usage and missing or misdirected long distance usage records. The BPU summarized MetTel's arguments and Verizon's response to those arguments. Consultative Report at 35-36, 39. In resolving this issue, the BPU found that the reported Carrier-to-Carrier measurement results and KPMG's test showed that Verizon met its obligation to issue "timely and accurate daily usage records to CLECs." Consultative Report at 40. The BPU also noted that MetTel was the only carrier to complain about missing or delayed usage, and determined that there was no systemic problem. *Id.* The BPU therefore found that Verizon provides nondiscriminatory wholesale billing. Consultative Report at 41.

Finally, the BPU addressed MetTel's arguments that trouble tickets were not resolved on a timely basis. Again, the BPU summarized Verizon's evidence concerning the PON Exception trouble ticket process, and MetTel's position. Consultative Report at 41-42. In resolving this issue, the BPU found that MetTel had not shown why its argument was correct. The BPU relied on KPMG's testing of Verizon's trouble ticket process, which KPMG found satisfied all test criteria. In summary, the BPU rejected all of MetTel's claims and found that Verizon's performance was satisfactory.

MetTel's Ex Parte: MetTel now seeks to relitigate all of its claims before this Commission. These are the same claims, based on the same charts, that MetTel presented to the BPU. In an attempt to persuade the Commission to overturn the BPU's conclusions, MetTel's ex parte makes two arguments. First, it claims that the BPU's decision was based on "incomplete information." Second, it claims that it has not raised its claim of missing or delayed usage records as a billing issue, but instead as a method of analyzing completion notifiers. These claims are without merit and MetTel's attempt to undermine the BPU's findings fails.

MetTel claims that the BPU had "incomplete information" because, according to MetTel, Verizon disputed MetTel's usage analysis but did not provide sufficient support, and did not provide additional information in response to MetTel's motion to compel. MetTel Ex Parte, Slide 22. In fact, the BPU denied MetTel's motion to compel and determined that Verizon had been responsive.

- During the MetTel-specific hearing, MetTel's counsel made a number of in-hearing transcript requests. Following the hearing, Verizon responded to these requests. *See* McLean/Wierzbicki/Webster Reply Decl., Atts. 5, 6, 11; Confidential Appendix to Verizon's Reply Comments, Tabs 10, 11, 13.
- Subsequently, MetTel moved to compel the production of additional information. Document Appendix, Tab 7. Verizon opposed the motion because it had already responded fully to MetTel's transcript requests, and attached copies of what it had provided in response to the in-hearing transcript requests. Document Appendix, Tabs 8, 9. MetTel filed a reply to Verizon's opposition. Document Appendix, Tab 11.
- At the BPU's January 9, 2002 meeting in which it considered and recommended approval of Verizon's Section 271 application, the BPU considered several outstanding procedural

motions before it began the consideration of each individual checklist item. At that time, the BPU considered MetTel's motion to compel. It concluded that Verizon's responses to the in-hearing transcript requests had been responsive, and denied MetTel's motion. *See* Transcript of Board Meeting Recommending Approval of Verizon's 271 Application, pages 12-13, provided in an Ex Parte dated January 10, 2002.

There is no merit, therefore, to MetTel's claim that the BPU based its decision on incomplete information. Rather, as set out above, the BPU focused extensively on MetTel's claims and determined that the information provided by Verizon was sufficient.

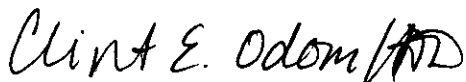
MetTel also argues that it "is NOT addressing the Usage issue as an item of missing records to be addressed from a Billing perspective." MetTel Ex Parte, Slide 24. This appears to be an attempt to undermine the BPU's findings concerning MetTel's usage claims, because the BPU's Consultative Report addresses them in the section on Billing. The attempt fails. Whatever the purpose behind MetTel's usage issue, the fact is that MetTel claimed it experienced missing or delayed local usage and missing or misdirected long distance usage records. *See* Final Comments of MetTel at 4-5 (Document Appendix, Tab 3). Verizon responded to those claims, acknowledging errors in a few cases, but demonstrating overall that it provided timely and accurate usage records. *See* Verizon NJ Reply Declaration in Response to Metropolitan Telecommunications, ¶¶ 15-21 (Document Appendix, Tab 6). Whether that is classified as a billing issue or as some other checklist issue is irrelevant.

The BPU agreed that Verizon's provision of usage records was satisfactory. Consultative Report at 40-41. That finding is valid whether the issue is the ability of CLECs to bill their customers or MetTel's attempt to use usage data to perform its "unique" analysis.

In summary, the BPU focused specifically and extensively on MetTel's claims, and they were the same claims MetTel attempts to relitigate here. Based on the evidence before it, the BPU determined that Verizon's performance was satisfactory.

The attachments contain proprietary information and have been redacted. A confidential version is also being filed. The twenty-page limit does not apply as set forth in DA 01-2746. If you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink that reads "Clint E. Odom" followed by a stylized monogram or initials.

Clint E. Odom

Attachments

cc: A. Johns
S. Pie
B. Olson

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This page has been substituted for one of the following:

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